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FILED

DEC - 6 2016

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA, ) CASE NO. CR 16-00457 JSW (KAW)  
14 Plaintiff, )  
15 v. ) STIPULATION AND [PROPOSED] ORDER  
16 ANTONIO ENRIQUE CERVANTES, ) EXCLUDING TIME FROM OTHERWISE  
a/k/a "Chacho," ) APPLICABLE SPEEDY TRIAL ACT  
17 AARON PEREZ CERVANTES, ) CALCULATION  
18 JUAN JOSE PLAZOLA-CARRILLO, )  
19 GUILLERMO CERVANTES-PEREZ, )  
ESTEBAN POLANCO, )  
20 ANTONIO JOSE CERVANTES, )  
a/k/a "Tonito." )  
21 Defendants. )  
21

22 STIPULATION

23 IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

24 1. On December 1, 2016, defendants Antonio Enrique Cervantes, Aaron Perez Cervantes,  
25 Juan Jose Plazola Carrillo, Guillermo Cervantes-Perez, Esteban Polanco, and Antonio Jose Cervantes  
26 appeared before the Court for their initial appearance and appointment of counsel. Juan Jose Plazola-  
27 Carrillo was present and in custody and represented by Suzanne Morris. Esteban Polanco was present  
28 and in custody and was represented by Philip Schnayerson, who specially appeared for Jessie Garcia.

1 Assistant United States Attorney Michael Maffei appeared for the Government. The parties agreed on  
2 conditions of release for defendants Plazola-Carrillo and Polanco, and also that this case should be  
3 scheduled for a status date before the District Court on Tuesday, January 24, 2017, with time excluded  
4 from December 1, 2016, through and including January 24, 2017. Accordingly, with the parties'  
5 agreement as to the new date, the Court scheduled a status date for January 24, 2017 at 1:00 p.m., with  
6 the understanding that the parties would submit a Stipulation and Proposed Order excluding time. The  
7 Court also continued the cases for defendants Antonio Enrique Cervantes, Aaron Perez Cervantes,  
8 Guillermo Cervantes-Perez, and Antonio Jose Cervantes to allow for the appointment of counsel.

9       2. On December 2, 2016, defendants Antonio Enrique Cervantes, Aaron Perez Cervantes,  
10 Guillermo Cervantes-Perez, and Antonio Jose Cervantes appeared before the Court for their initial  
11 appearance and assignment of counsel. Antonio Enrique Cervantes was present and in custody and  
12 represented by Linda Fullerton. Aaron Perez Cervantes was present and in custody and represented by  
13 Charles Woodson, who specially appeared for Erick Guzman. Guillermo Cervantes-Perez was present  
14 and out of custody and represented by Martha Boersch. Antonio Jose Cervantes was present and in  
15 custody and represented by Assistant Federal Public Defender Angela Hansen. Assistant United States  
16 Attorney Michael Maffei appeared for the Government. The parties agreed that this case should be  
17 scheduled for a status date before the District Court on Tuesday, January 24, 2017, with time excluded  
18 from December 1, 2016, through and including January 24, 2017.

19       3. Accordingly, with the parties' agreement as to the new date, the Court scheduled a status  
20 date for January 24, 2017 at 1:00 p.m., with the understanding that the parties would submit a  
21 Stipulation and Proposed Order excluding time.

22       4. The parties now formalize their request for a continuance of this matter to January 24,  
23 2017 at 1:00 p.m. for a status hearing, and respectfully submit and agree that the period from December  
24 1, 2016 through and including January 24, 2017 at 1:00 p.m. should be excluded from the otherwise  
25 applicable Speedy Trial Act computation because the continuance is necessary for effective preparation  
26 of counsel, taking into account the exercise of due diligence. Specifically, the time requested for  
27 exclusion will allow the defense attorneys to review the discovery in this case.

28 //

1 IT IS SO STIPULATED.  
2

3 DATED: December 5, 2016

BRIAN J. STRETCH  
United States Attorney

5 \_\_\_\_\_/s/  
6 MICHAEL MAFFEI  
7 Assistant United States Attorney

8 DATED: December 5, 2016

9 \_\_\_\_\_/s/  
10 LINDA FULLERTON  
11 Counsel for the Defendant Antonio Enrique  
Cervantes

12 DATED: December 5, 2016

13 \_\_\_\_\_/s/  
14 ERICK GUZMAN  
15 Counsel for the Defendant Aaron Perez  
Cervantes

18 DATED: December 5, 2016

19 \_\_\_\_\_/s/  
20 SUZANNE MORRIS  
21 Counsel for the Defendant Juan Jose Plazola  
Carrillo

22 DATED: December 5, 2016

23 \_\_\_\_\_/s/  
24 MARTHA BOERSCH  
25 Counsel for the Defendant Guillermo Cervantes  
Perez

1 DATED: December 5, 2016

2  
3 /s/  
4 JESSIE GARCIA  
5 Counsel for the Defendant Esteban Polanco

6 DATED: December 5, 2016

7 /s/  
8 ANGELA HANSEN  
9 Counsel for the Defendant Antonio Jose  
10 Cervantes

**PROPOSED ORDER**

11 Based upon the above-described Stipulation, THE COURT FINDS THAT the ends of justice  
12 served by granting a continuance from December 1, 2016 through and including January 24, 2017  
13 outweigh the best interest of the public and the defendants in a speedy trial, and that failure to grant such  
14 a continuance would unreasonably deny the defendants the reasonable time necessary for effective  
15 preparation, taking into account the exercise of due diligence.

16 Accordingly, THE COURT ORDERS THAT:

17 1. The parties shall appear before the District Court on January 24, 2017 at 1:00 p.m. for a  
18 status conference.

19 2. The period from December 1, 2016 through and including January 24, 2017 is excluded  
20 from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) &  
21 (B)(iv).

22  
23 IT IS SO ORDERED.

24  
25 DATED: 12/6/16

  
26 HON. KANDIS A. WESTMORE  
27 United States Magistrate Judge  
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